



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 31, 1994

Mr. Gilbert D. Douglas  
Senior Assistant City Attorney  
City of Houston  
Legal Department  
P.O. Box 1562  
Houston, Texas 77251-1562

OR94-529

Dear Mr. Douglas:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 27025.

The City of Houston (the "city") received an open records request for "copies from files of all complainant statements and police report in Cause No. 567288, 568469." You contend the city may withhold the requested information from the public pursuant to section 552.103(a) of the Government Code.

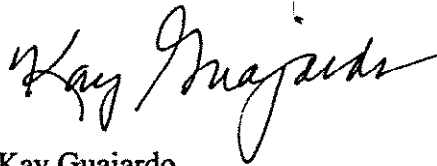
To secure the protection of section 552.103(a), a governmental body must demonstrate that requested information "relates" to a pending or reasonably anticipated judicial or quasi-judicial proceeding. Open Records Decision No. 551 (1990). In this instance you have made the requisite showing that the requested information relates to pending litigation for purposes of section 552.103(a). The requested records may therefore be withheld.

In reaching this conclusion, however, we assume that the opposing party to the pending litigation has not previously had access to the records at issue; absent special circumstances, once information has been obtained by all parties to the litigation, *e.g.*, through discovery or otherwise, no section 552.103(a) interest exists with respect to that information. Open Records Decision Nos. 349, 320 (1982). In particular, if the opposing parties in the pending litigation have seen or had access to information normally found on the front page of the offense reports, there would be no justification for now withholding

that information from the requestor pursuant to section 552.103(a). *See* Open Records Decision No. 597 (1991). We also note that the applicability of section 552.103(a) ends once the litigation has been concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo", written in a cursive style.

Kay Guajardo  
Assistant Attorney General  
Open Government Section

KHG/rho

Ref.: ID#27025

Enclosures: Submitted documents

cc: Mr. Michael Swayzer, #3752  
Harris County Jail  
1301 Franklin 7-A-2  
Houston, Texas 77002  
(w/o enclosures)